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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| IN RE APPLICATION OF: David Polston SERIAL NO. 10/801,410 FILED: 3/16/04 | ATTY DKT NO. P-109301.02 (UTI)(CIP) GROUP NO.: |
| TITLE: A METHOD OF MAKING ROAD BASED MATERIAL USING TREATED OIL AND GAS WASTE MATERIAL | |
| TO: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 | |

INFORMATION DISCLOSURE STATEMENT

Applicant files the following Information Disclosure Statement in accordance with 37 CFR §1.97 and 1.98, and MPEP §609. The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a First Office Action on the merits, whichever event occurs last. 37 CFR 1.97(b).

Preliminary Statement

Applicant submits herewith patents, publications and other information of which he is aware, which he believes may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Statement With Respect To Listing Of Information

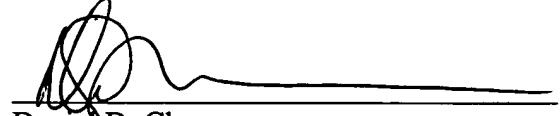
A list of the patents and/or publications is set forth in the attached (Section 9) Form PTO-1449. Copies of items listed where available are enclosed.

Identification Of Person Making This IDS

The person making this statement is the attorney who signs below on the basis of information supplied by the inventor.

Date: June 10, 04

JACKSON WALKER L.L.P.
112 E. Pecan Street, Suite 2100
San Antonio, Texas 78205
(210) 978-7700


Daniel D. Chapman
Reg. No. 32,726

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the "Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450" as follows:

| <u>37 CFR 1.8(a)</u> | <u>37 CFR 1.10</u> |
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| <input type="checkbox"/> With sufficient postage as First Class Mail. Date: <u>6/10</u> , 2004 | <input type="checkbox"/> As "Express Mail Post Office to Addressee", Mailing Label No. _____. Date: _____, 2004 |


Laura Pope



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

of 3

| | |
|--------------------------|----------------------|
| Complete if Known | |
| Application Number | 10/801,410 |
| Filing Date | 3/16/2004 |
| First Named Inventor | Polston |
| Art Unit | Unassigned |
| Examiner Name | Unassigned |
| Attorney Docket Number | P-109301.2(UTI)(CIP) |

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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| Substitute for form 1449/PTO | | | | Complete if Known | |
| | | | | Application Number | 10/801,410 |
| | | | | Filing Date | 3/16/2004 |
| | | | | First Named Inventor | Polston |
| | | | | Art Unit | Unassigned |
| | | | | Examiner Name | Unassigned |
| Sheet | 2 | of | 3 | Attorney Docket Number | P-109301.2(UTI)(CIP) |

| NON PATENT LITERATURE DOCUMENTS | | | |
|--|-----------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | | "Q & A Asphalt Stabilized Base & Soil Recycling Q & A" (no date provided), 2 pages. | |
| | | Meador, Chip, TNRCC Analytical Report, Nov. 29, 1999, pp. 1-38, Corpus Christi, Texas 78408 | |
| | | Texas Natural Resource Conservation Commission Inspection Report, Step. 11, 1999, pp 1-7. | |
| | | Undated presumed prior art, single page sheet describing a process used by "Osage". | |
| | | San Antonio Construction News, March 2002, 2 pages including "New Technology Represents a Turning Point". | |
| | | Special Specification 3157, 1993 Specifications (5 pages). | |
| | | Pages 11-23 of a document entitled: "Environmental and Engineering Test Procedures," (Updated, some pages missing). | |
| | | 4 pages of "Environmental Recycling" certificate forms (1999) | |
| | | 1 page of Texas Natural Resource Conservation Commission "Non PST Waste Profile"; revised 11/01/1994 | |
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|--------------------|-----------------|
| Examiner Signature | Date Considered |
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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.
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|---------------------------------|-----------------------|---|--|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | | T ² |
| | | Railroad Comm. of TX Itr. to Transcon Energy Corp. regarding permit for stationary treatment facility" dated 10/12/01, re: appl. dated 4/20/98 | | |
| | | "Recycling Center...Recyclable Materials" Div. of Solid and Hazardous Waste, Trenton, NJ. for Soil Safe, Inc., City of Salem, pgs. 1-16. | | |
| | | 2 page ltr to Mr. Grant from Div. of Solid & Haz. Waste (certified mail). | | |
| | | A selection of Internet Docs. printed out in early 2004, total 17 pages. | | |
| | | 24 pages of British Cement Assn. Publication 46.050 | | |
| | | Railroad Comm. of TX Itr to Osage Environmental re: permit for recycling, No. STF-011. | | |
| | | 14 pages of Railroad Comm. of TX. assorted ltrs, begins with Transcon Energy Corp. re: permit for stationary treatment facility no. STF-010 | | |
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